

**39-1-38.5 Utah Manual for Military Courts to be issued -- Military court jurisdiction.**

- (1) The adjutant general shall issue a Utah Manual for Military Courts that includes the Utah Code of Military Justice, and shall set forth the procedures, authority, and organization for convening a military court in the state, conducting a pretrial investigation, and conducting post-conviction military court and appellate processes.
- (2) The military court shall have jurisdiction of misdemeanors and infractions. Each offense shall be punishable by incarceration in a county jail for no longer than one year, a fine of not more than \$2,500, forfeiture of pay of not more than \$2,500, detention of pay equivalent to three months' pay for a period not to exceed one year, arrest in quarters for officers, restriction to specified limits for enlisted members, extra duty for not more than 60 consecutive days, reprimands, reduction of enlisted members to the lowest enlisted grade, a bad conduct discharge for enlisted members or dismissal for officers, or any combination of these.
- (3)
  - (a) The military court may order any person adjudged guilty of a criminal activity to make restitution to any person or entity injured as a result of the criminal activity.
  - (b) "Criminal activity" means any offense under Title 39, Chapter 1, State Militia, or Chapter 6, Utah Code of Military Justice, of which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court with or without admission of committing the criminal conduct.
- (4) The military court may:
  - (a) suspend any portion of its sentence and impose conditions of probation;
  - (b) revoke suspension; or
  - (c) issue any orders necessary under Section 39-6-61 to execute any portion of the sentence that has been suspended.
- (5) The military court may not impose combined forms of punishment that exceed confinement for a period of one year or a fine of \$2,500. This sentencing limitation does not apply to restitution ordered by the military court.

Amended by Chapter 198, 1996 General Session